

Attorney Docket: 00431  
U.S. Application No.: 09/784,905 Art Unit: 2623 Examiner: S. Beliveau  
Response to October 2, 2007 Office Action

### **REMARKS**

In response to the Office Action dated October 4, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application. Claims 21-29 were previously canceled without prejudice or disclaimer.

### **Objections to Claims**

The Office objected to claims 12 and 13 for improper antecedent basis. Claims 12 and 13 have been amended to fully comply with the patent laws.

### **Rejection under § 112**

The Office rejected claims 1-20 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Independent claims 1, 8, 10, and 15, however, have been amended to recite "*a second mode in which inputs to the navigator scroll from an event to another event between different packages.*" Claims 1-20 thus fully comply with the patent laws.

### **Rejections of Claims 1-4, 7-11 & 14-20 under §103(a)**

Claims 1-4, 7-11, and 14-20 are rejected under 35 U.S.C. §103 (a) as allegedly being unpatentable over U.S. Patent 6,016,141 to Knudson, *et al.* in view of "NFL.COM: 1997 regular season to get August start" (hereafter "*NFL.COM*"), and further in view of PCT Publication No. WO 00/14954 to Swix, *et al.*

Claims 1-4, 7-11, and 14-20, however, are not obvious over *Knudson '141*, *NFL.com*, and *Swix*. These claims recite, or incorporate, many features that are not disclosed by the combined

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teaching of *Knudson '141*, *NFL.com*, and *Swix*. Independent claim 1, for example, recites "*detecting a keystroke input to a control device.*" Independent claim 1 also recites "*if the keystroke input is a cursor key to the navigator, then determining whether the electronic programming guide is in the first mode or the second mode.*" Independent claim 1 also recites "*if the keystroke input is not the cursor key to the navigator, then determining whether the keystroke input is a zoom key.*" Support for all these features may be found at least in the as-filed application at FIG. 18 and at page 23, lines 9-12 and at page 24, lines 8-9. Independent claim 1 is reproduced below, and independent claims 8, 10, and 15 recite similar features.

1. A method for allowing programming providers to offer subscribers programming events, the method comprising:
  - a. associating events spanning multiple channels over non-contiguous time slots to create packages ;
  - b. generating an electronic programming guide, the electronic programming guide having a programming grid simultaneously listing a wrapper associated with each package and each package's associated events, the wrapper surrounding all the associated events for each package, the programming grid also simultaneously listing a start time and a stop time of each event associated with each package;  

the electronic programming guide having a first mode in which inputs to a navigator scroll from one wrapper to another wrapper, and

the electronic programming guide having a second mode in which inputs to the navigator scroll from an event to another event between different packages;
  - c. recognizing the non-contiguous events;
  - d. in response to recognizing the non-contiguous events, prompting to switch from the first mode to the second mode;
  - e. detecting a keystroke input to a control device;
  - f. if the keystroke input is a cursor key to the navigator, then determining whether the electronic programming guide is in the first mode or the second mode; and
  - g. if the keystroke input is not the cursor key to the navigator, then determining whether the keystroke input is a zoom key.

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*Knudson '141, NFL.com, and Swix* fails to teach or suggest all these features. *Knudson '141, NFL.com, and Swix* have all been thoroughly discussed in previous responses to office actions, so a detailed discussion of each document is not necessary. In this latest office action, though, the Office now interprets *Knudson '141* to disclose first and second modes. Whether or not this interpretation is correct, *Knudson '141, NFL.com, and Swix* fails to teach or suggest “*if the keystroke input is a cursor key to the navigator, then determining whether the electronic programming guide is in the first mode or the second mode.*” The combined teaching of *Knudson '141, NFL.com, and Swix* also fails to teach or suggest “*if the keystroke input is not the cursor key to the navigator, then determining whether the keystroke input is a zoom key.*” As *Knudson '141, NFL.com, and Swix* are all silent to at least these features, one of ordinary skill in the art would not think that independent claims 1, 8, 10, and 15 are obvious.

Moreover, independent claims 8, 10, and 15 recite additional, distinguishing features. Independent claim 15, for example, recites “*if the electronic programming guide is in the second mode, then determining whether an adjoining event cell to be selected is part of a same package or part of a different package.*” Independent claim 15 also recites “*if the adjoining event cell is part of the same package, then highlighting the adjoining event cell within the same package in a direction represented by the cursor key.*” Independent claim 15 also recites “*if the adjoining event cell is not part of the same package, then highlighting an adjoining package wrapper in the direction of the cursor key.*” Support for all these features may be found at least in the as-filed application at FIG. 18 and at page 23, lines 12-19. *Knudson '141, NFL.com, and Swix* fails to teach or suggest all these features. As *Knudson '141, NFL.com, and Swix* are all silent to at least these features, one of ordinary skill in the art would not think that independent claims 8, 10, and 15 are obvious.

Claims 1-4, 7-11, and 14-20, then, are not obvious over *Knudson '141, NFL.com, and Swix*. Independent claims 1, 8, 10, and 15 recite many features that are not taught or suggested by the combined teaching of *Knudson '141, NFL.com, and Swix*. The dependent claims incorporate these distinguishing features and recite additional features. Claims 1-4, 7-11, and

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14-20, then, are not obvious over the combined teaching of *Knudson '141*, *NFL.com*, and *Swix*. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejections of Claims 5-6 & 12-13 under § 103 (a)**

Claims 5-6 and 12-13 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Knudson '141*, *NFL.com*, and *Swix*, and further in view of U.S. Patent 6,604,240 to Ellis, *et al.* The patent to Ellis, *et al.* discloses an interactive program guide in which a service provider customizes the listing information in order to help the service provider promote programming. *Ellis*, however, has been thoroughly discussed in previous responses to office actions, so a detailed discussion is not necessary.

Even so, claims 5-6 and 12-13 cannot be obvious over *Knudson '141*, *NFL.com*, *Swix*, and *Ellis*. These claims depend, respectively, from independent claims 1 and 10 and, thus, incorporate the same distinguishing features. Even when the teachings of *Knudson '141*, *NFL.com*, and *Swix* are combined with *Ellis*, this proposed combination remains silent to “if the keystroke input is a cursor key to the navigator, then determining whether the electronic programming guide is in the first mode or the second mode” and to “if the keystroke input is not the cursor key to the navigator, then determining whether the keystroke input is a zoom key.” Because the combined teaching of *Knudson '141*, *NFL.com*, *Swix*, and *Ellis* is silent to all these features, one of ordinary skill in the art would not think that claims 5-6 and 12-13 are obvious. The Assignee thus respectfully requests that the Office remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Scott P. Zimmerman", with a large, stylized initial "S" and "Z".

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